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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below to Examiner Bao Nguyen at (703) 872-9306.

Date: 9-3-02

Susan Hess
Susan Hess

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : Jackowski, G. et al
INVENTION : Biopolymer Marker Indicative of
Disease State Having A
Molecular Weight of 1077 Daltons
SERIAL NUMBER : 09/846,342
FILING DATE : April 30, 2001
EXAMINER : Nguyen, Bao Thuy L
GROUP ART UNIT : 1641
OUR FILE NO. : 2132.026

To: Box Non Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION OF JULY 2, 2002

Sir:

In response to the Office Action dated July 2, 2002 having a shortened statutory period for response set to expire August 2, 2002, for which a petition for extension of time to Sept. 2, 2002 is filed herewith, kindly enter the following response to the outstanding Requirement for Restriction:

Restriction has been required to one of the following inventions under 35 U.S.C. 121:

I. Claims 1-28, drawn to a biopolymer marker and kit for diagnosing a disease related to the marker, classified in class 530, subclass 328, for example.

III. Claims 33-34, drawn to a method for determining therapeutic treatment, classified in class 435, subclass 3, for example.

IV. Claim 35, drawn to a process for controlling a disease, classified in class 436, subclass 55, for example.

Applicant has been advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Election for Prosecution on the Merits

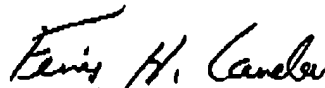
Applicant hereby elects the Invention of Group I, encompassing claims 1-26, without traverse, for prosecution on the merits at this time.

It is understood that remains claims 27-35, drawn to the non-elected invention, will remain pending, albeit withdrawn from further prosecution on the merits at this time.

SUMMARY

In light of the foregoing remarks and election to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,



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